

of 35 U.S.C. §120 in order to receive an earlier filing date. In particular, the Office Action asserts that the subject matter of "non-verbal speech" and "multimodal form" were not disclosed in the parent applications. The Office Action also objects to the specification for improperly incorporating two of the Applicants papers. Applicants respectfully traverse these objections.

As explained in detail during the February 5 interview, Applicants properly claimed priority from parent application 08/643,644 (now U.S. Patent No. 6,192,110), and its parent U.S. Patent 5,675,707 as listed on the first paragraph of the first page of the present application. This priority information was also listed on the Declaration filed with the application, as well. Therefore, if the subject matter of the claimed invention was disclosed in the '707 patent, then the claims of the present application deserve the priority filing date of the '707 patent, namely September 15, 1995.

As demonstrated during the interview, Dr. Gorin's paper "On Automated Language Acquisition" (hereinafter "the Gorin paper") which was incorporated by reference in the '707 parent patent, clearly set forth the use of non-verbal and multimodal input communications. See for example, *the Gorin paper*, p. 3441, 3443 and 3450. The relevant portions of the incorporated Gorin paper were expressly set forth in the present specification (with slight paraphrasing) in accordance with MPEP §608.01(p).

Accordingly, Applicants submit that the non-verbal speech and multimodal form were disclosed in the parent '707 patent. Therefore, the objection concerning priority and the specification should be withdrawn and the claims in Applicants' present application should properly be given a priority date of the '707 patent. As a result, Applicants request that the Transmittal cover sheet on the next Patent Office communication be marked to indicate that the domestic priority under 35 U.S.C. §120 is acknowledged.

The Office Action rejects claims 1-54 under 35 U.S.C. §112, first paragraph and claims 1-4, 6, 17, 18, 27, 28, 31, 33, 44, 45, and 54 under 35 U.S.C. §112, second paragraph. These rejections are respectfully traversed.

As discussed at the February 5 personal interview (and also above with respect

to the objection pertaining to priority), "non-verbal speech" and the "multimodal form" are described in detail in the Gorin paper "On Automated Language Acquisition", which was incorporated by reference in the '707 parent patent. The terms listed in the §112 rejections were explained in detail and clarified by Dr. Gorin and his representative with reference to the Gorin paper. After the discussion during the interview, it was apparent that the cited terms were understood by Examiners Tsang and Phan. Accordingly, Applicants request that the rejections under 35 U.S.C. §112 be withdrawn.

The Office Action rejects claims 1-54 under 35 U.S.C. §103(a) over Gorin et al. (the Applicants), "Automated Call Routing in a Telecommunications Network", September 26-27, 1994 (hereinafter "Gorin et al.") in view of Blattner, "Multimedia Interface Design", 1992. This rejection is respectfully traversed.

Applicants submit that the parent patent from which the claims in this application claim priority was filed September 15, 1995, less than 1 year prior to the publication of Gorin et al. Gorin et al. was authored by Dr. Gorin. Accordingly, the Gorin et al. reference does not qualify as prior art under 35 U.S.C. §102 because it is a publication by the inventor less than one year prior to the filing date of the application. Therefore, it is unnecessary to discuss the merits of the Gorin et al. reference and Applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn.

Applicants note that claim 55 was not rejected over any of the art of record.

The Office Action rejects claims 1-55 under the judicially-created doctrine of obviousness-type double patenting over claims 1-45 of U.S. Patent No. 6,192,110. As discussed during the interview, once it is determined that the claims of the present application are given the priority filing date of the '707 patent, Applicants will duly file a Terminal Disclaimer to obviate this rejection. However, at this time, Applicants submit that the filing of a Terminal Disclaimer at this time would be premature

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-55 are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4207 to discuss any matter regarding this application.

Respectfully submitted,
KENYON & KENYON

Date: February 6, 2003



Ronald E. Prass, Jr.
Reg. No. 42,089

KENYON & KENYON
1500 K. St. NW, Suite 700
Washington, DC 20005
Ph: (202) 220-4207
Fax: (202) 220-4201

Attachment:

Clean copy of portion of the amended specification